



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Tommy R. Shedd et al.	
Serial No.: 10/774,639	Group Art Unit: 1724
Filed: February 3, 2004	Examiner: Not yet assigned
Title: Apparatus and Method for Portable Automated Biomonitoring of Water Quality	
Attorney Docket No.: CEHR 03-13 02	

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

This Information Disclosure Statement is submitted:

- ☒ under 37 CFR 1.97(b), or  
(Within three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- ☐ under 37 CFR 1.97(c) together with either a:  
☐ Certification under 37 CFR 1.97(e), or  
☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with a:  
☐ Certification under 37 CFR 1.97(e), and  
☐ a petition under 37 CFR 1.97(d)(2)(ii), and  
☐ a \$130.00 petition fee set forth in 37 CFR 1.17(i)(1).  
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☒ Applicant(s) submit herewith Form PTO 1449-Information Disclosure Citation with copies, of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

Neither this statement nor the listing of these documents on the accompanying form PTO-1449 should be considered as an admission by Applicant(s) that these materials are prior art as to Applicant(s). In addition, this statement should not be construed as a representation that no better disclosures exist.

Entry of the Information Disclosure Statement and the accompanying Form PTO-1449 are respectfully solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Shelby B. Grier", is written over a horizontal line.

Shelby B. Grier, Esq.

Reg. No. 45,785

CAHN & SAMUELS, LLP

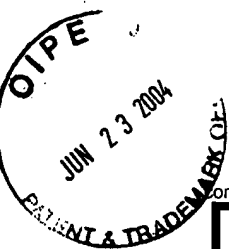
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June 23, 2004



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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/774,639
				Filing Date	February 3, 2004
				First Named Inventor	Tommy R. Shedd et al.
				Art Unit	1724
				Examiner Name	
Sheet	1	of	2	Attorney Docket Number	CEHR 03-13 02

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	A	US-4,626,992	12-02-1986	GREAVES, John et al.	
	B	US-5,140,855	08-25-1992	GRUBER, David	
	C	US-5,307,052	04-26-1994	HARRISON, Frank P.	
	D	US-5,469,144	11-21-1995	GRADZKI, Pawel et al.	
	E	US-5,804,705	09-08-1998	FLORION, André et al.	
	F	US-6,058,763	05-09-2000	SHEDD, Tommy R. et al.	
	G	US-6,119,630	09-19-2000	LOBSIGER, Ulrich et al.	
	H	US-6,393,899 B1	05-28-2002	SHEDD, Tommy R. et al.	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	A1	GB 2195 543 A	04-13-1988	Water Research Center		
	B1	WO 95/14925 A1	06-01-1995	Nance-Centre International		
	C1	WO 98/41862	09-24-1998	Secretary of the Army		

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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		<b>Application Number</b>	10/774,639		
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		<b>First Named Inventor</b>	Tommy R. Shedd et al.		
		<b>Group Art Unit</b>	1724		
		<b>Examiner Name</b>	Not yet Assigned		
<b>Sheet</b>	2	<b>of</b>	2	<b>Attorney Docket Number</b>	CEHR 03-13 02

<b>OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS</b>			
<b>Examiner Initials*</b>	<b>Cite, No.</b>	<b>Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.</b>	<b>T<sup>2</sup></b>
	AA	ASTM Standard Guide for Ventilatory Behavioral Toxicology Testing of Freshwater Fish, E1768-95,9,ASTM, West Conshohocken, PA.	
	BB	CARLSON, R. W. et al., "Fish Cough Reponse - A Method for Evaluating Quality of Treated Complex Effluents", Water Research,1978, Vol. 12, pp. 1-6.	
	CC	"Real-Time Monitoring for Toxicity Caused by Harmful Algal Blooms and Other Water Perturbations", EPA November 2001	
	DD	Continous Automated Biomonitoring: Perspectives and Applications, U.S. Army Corps of Engineers Seventh Innovative Technology Transfer Workshop, Mar. 20, 1997	
	EE	GRUDER, D. et al., "Initial Testing of a recent Biological Monitoring Concept", Journal of Water Pollution Control Federation, Nov. 1979, Vol. 51, No. 11, pp. 2744-2751	
	FF	NELMS, et al. "BeRM: Bioelectric Response Monitor", proceedings from IEEE SouthEast Con '92, Apr. 12-15, 1992, Birmingham, Alabama, IEEE, Vol. 1, No. 12, pp. 91-94	
	GG	SHEDD, Tommy R. et al., "Evaluation of an Automated Fish Ventilatory Monitoring System in a Short-Term Screening Test for Chronic Toxicity," U.S. Army Biomedical Research and Development Laboratory, Technical Report AD A172116, Fort Detrick, MD, July 1986	
	II	SHEDD, Tommy R., et al., "Long-Term Opeation of an Automated Fish Biomonitoring System for Continuous Effluent Acute Toxicity Surveillance", Bull. Environ. Contam. Toxicol, 2001, pp. 392-399	
	JJ	VAN DER SHALIE, W. H., "A New Technique for Automatic Monitoring of Fish Ventilatory Patterns and Its Possible Use in Screening Tests for Chronic Toxicity" In Aquatic Toxicolgy; Third Conference ASTM STP 707; J. Eaton, P. Parrish, and A. Hendricks (eds.), Philadelphia, PA. 1980, pp. 233-242	
	KK	VAN DER SHALIE, W. H. et al., "Ventilatory and Movement Response of Rainbow Trout Exposed to 1,3,5-Trinitrobenzene in an automated Biomonitoring System", Automated Biomonitoring - Living Sensors as Environmental Monitors (eds.), Ellis Horwood Publishers, West Sussex, England, 1988, pp. 67-74	
	LL	WESTLAKE, G. F. et al., "Evaluation of An Automated Biological Monitoring System at an Industrial Site", In ASTM STP 607, J. Cairns, Jr., K.L. Dickson, and G.F. Westlake, (eds.), 1997, pp. 30-37	

<b>Examiner Signature</b>		<b>Date Considered</b>	
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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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